

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Pamela Henke,

Plaintiff,

v.

Case No. 14-12234

Commissioner of Social Security,

Sean F. Cox

United States District Court Judge

Defendant.

_____ /

ORDER
ACCEPTING AND ADOPTING
REPORT & RECOMMENDATION

Plaintiff filed this action challenging the Commissioner's unfavorable decision denying her applications for Disability Insurance Benefits and Supplemental Security Income under the Social Security Act.

The matter was referred to Magistrate Judge Elizabeth Stafford for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and Report and Recommendation pursuant to § 636(b)(1)(B) and (C).

Thereafter, the parties filed cross-motions for summary judgment. In a Report and Recommendation ("R&R") issued on November 6, 2015, Magistrate Judge Stafford recommends that: 1) Plaintiff's Motion for Summary Judgment be DENIED; 2) the Commissioner's Motion for Summary be GRANTED; and 3) the Commissioner's decision be AFFIRMED.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall

make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The R&R expressly advised Plaintiff that objections must be filed within fourteen days of service of the R&R (*see* R&R at 11) and the November 20, 2015 due date for objections was expressly noted on the docket.

Nevertheless, Plaintiff did not file any objection until November 21, 2015. (Docket Entry No. 22). Thus, Plaintiff's objections are untimely.

Moreover, in her untimely objections Plaintiff purports to "reassert[] all of the arguments previously made in Plaintiff's Brief and objects to any and all findings of fact contained" in the R&R. (*See* Objs. at 1). Such blanket objections to all arguments previously made are improper and violate both Fed. R. Civ. P. 72(b) and the express directive in the R&R regarding objections. (*See* R&R at 12).

Plaintiff's Objections do contain two specific objections but they are essentially the same basic arguments she presented in her brief. First, Plaintiff asserts that this Court "should reject the magistrate judge's finding that the ALJ Step Two analysis was proper." (Objs. at 2). Having reviewed the magistrate judge's analysis of the Step Two finding (*see* R&R at 7-8), the Court concurs with the magistrate judge's analysis and conclusion.

Plaintiff also objects to the ALJ hypothetical and RFC as being not supported by the medical evidence. (Objs. at 4). The Court concludes that the R&R sufficiently addressed this issue and concurs with the magistrate judge's analysis. (*See* R&R at 911).

Accordingly, the Court hereby ADOPTS the November 6, 2015 Report and Recommendation. IT IS ORDERED that: 1) Plaintiff's Motion for Summary Judgment is

DENIED; 2) the Commissioner's Motion for Summary is GRANTED; and 3) the Commissioner's decision is AFFIRMED.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 17, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 17, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy

Case Manager